

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL R. LEMUS,
Petitioner,
v.
CHANCE ANDES,
Respondent.

No. 2:24-cv-3286 SCR P

ORDER

Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. The court does not find that the interests of justice would be served by the appointment of counsel at the present time.

To the extent that petitioner requests an evidentiary hearing, that request is denied without prejudice. In accordance with Rule 8(a) of the Rules Governing Section 2254 Cases, the court will sua sponte consider whether an evidentiary hearing is warranted once petitioner’s habeas corpus application has been fully briefed.

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1 Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment of
2 counsel and an evidentiary hearing (ECF No. 8) is denied without prejudice to a renewal of the
3 motion at a later stage of the proceedings.

4 DATED: January 13, 2025

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7 SEAN C. RIORDAN
8 UNITED STATES MAGISTRATE JUDGE
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